

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2427-15  
Bill No.: Truly Agreed to and Finally Passed CCS for SS for SCS for HS for HCS for HB 1453  
Subject: Children and Minors; Family Law; Family Services Division  
Type: Original  
Date: June 7, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
General Revenue*	(More than \$5,281,411)	(More than \$6,737,695)	(More than \$9,212,296)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(More than \$5,281,411)</b>	<b>(More than \$6,737,695)</b>	<b>(More than \$9,212,296)</b>

\*Part of General Revenue is subject to appropriations; does not include costs of unknown but less than \$200,000.

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 33 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Highway Fund	(\$3,966)	\$0	\$0
Criminal Records System Fund	\$64,960 to \$379,960	\$58,906 to \$373,906	\$58,096 to \$373,096
Child Support Enforcement	(\$139,693)	(\$171,974)	(\$176,429)
Childhood Lead Test Fund	(\$29,999)	(\$47,380)	(\$59,037)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$100,766) to \$214,234</b>	<b>(\$160,448) to \$154,552</b>	<b>(\$177,370) to \$137,630</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and Costs of unknown to more than approximately \$5,000,000 would net to \$0.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Local Government</b>	<b>\$0 to (Less than \$1,573,498)</b>	<b>\$0 to (Less than \$1,573,498)</b>	<b>\$0 to (Less than \$1,573,498)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Missouri House of Representatives**, the **Office of Administration - Administrative Hearing Commission**, the **Missouri Senate**, and the **Department of Insurance** state this proposal would not fiscally impact their agencies.

Officials from the **Office of the Secretary of State (SOS)** state this proposal enacts and modifies various provisions regarding the state foster care system and the putative father registry. The Department of Social Services, the Department of Health and Senior Services, and the Administrative Hearing Commission could promulgate rules to enact this legislation. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Social Services could require as many as 50 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$3,075 in FY 05.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Elementary and Secondary Education (DES)** estimated the following (section 168.283):

For FY 2002, numbers of pupil-contact individuals throughout the state's districts are:

Custodians	9,049
Food Service	7,107
Teacher Aides	11,296
Office	8,851
Other	9,579
Certified Staff	<u>78,583</u>
Total	124,465
Less bus drivers _____	<u>(5,747)</u>
	118,718

ASSUMPTION (continued)

DES states bus drivers are included in the “other” category and is excluding them.

118,718	x	\$24 national background check	=	\$2,849,232
118,718	x	\$14 state background check	=	<u>\$1,662,052</u>
				\$4,511,284

Average turnover for teachers, administration, librarians, special services, and certificated personnel in Missouri’s elementary, junior high, and high schools is 22%. Assuming a 22% turnover rate, DES estimates costs for the first subsequent year and second subsequent year as calculated below. School districts may reimburse the individual for the cost of the background check.

118,718	x	0.22	=	26,118
26,118	x	\$24 national background check	=	\$626,832
26,118	x	\$14 state background check	=	<u>\$365,652</u>
				\$992,484

**Oversight** assumes “...no person employed by a school after January 1, 2005...” would be school district employees with pupil contacts newly hired after January 1, 2005. **Oversight** is showing the fiscal impact to school districts as a cost of \$0 to \$992,484 (cost is \$38 per background check for 26,118 checks) for each year because the language is permissive. It would be a local school district decision as to how much of the cost to reimburse to the individuals.

Section 211.032

DES states the changes proposed in this section would allow (upon request of the foster family and whenever possible), any child in the custody of CD attending a school other than the school the child was attending when taken into custody, to attend the same school the child was enrolled in and attending at the time the child was taken into custody by CD.

Costs related to this provision are unknown; but could be significant. In addition, it is unknown who would be responsible for the costs. Transportation costs could easily be \$100 per child per day for 174 days of the school year.

**Oversight** assumes that in most cases, the DFS would place a child in foster care in the same school district the child was attending, thereby minimizing transportation costs.

Section 210.518

DES states with the exception of DES state operated programs, DES does not maintain the kind

ASSUMPTION (continued)

of student specific information identified in Section 210. 518, and therefore, DES states it does not make sense to bind DES to a meeting when DES does not have the information to share with the other two agencies. DES states it would object to being included in the requirement for attendance at meetings, that is being proposed in this legislation. Attendance would not be logical, since DES don't have the information. Such a requirement would be burdensome to the staff. The financial impact would come in the form of opportunity costs (i.e. investing staff time in a meeting when that time would otherwise be spent on DES functions).

Section 135.327

DES states tax credits mean less General Revenue available for distribution to local schools through the foundation formula.

Officials from the **Office of State Courts Administrator (CTS)** state this proposal would make numerous changes in the laws relating to foster care, and create new responsibilities and time frames for the courts and court clerks.

At this time, the CTS has no way of knowing what the actual fiscal impact will be, but it could be substantial. CTS states as this proposal undergoes revisions, costs could arise as these revisions impact the workload of the courts. Any significant increase in the workload of the courts as a result of these provisions will be reflected in future budget requests.

CTS states the proposal would req

Officials from the **Office of Administration- Division of Budget and Planning (BAP)** state this proposal would not result in additional costs or savings to the BAP. BAP states the background check fee provisions will increase total state revenues. BAP states this proposal increases the cap on the adoption tax credit. BAP states the history of this program indicates that all of the tax credits will be allocated, which will reduce General Revenue.

BAP states the proposal creates an Office of Child Advocate for Children's Protection and Services in the Office of Administration. BAP states a similar office is already operational in the Office of Administration during the current fiscal year and was funded for Fiscal Year 2005 by the General Assembly.

Officials from the **Department of Mental Health (DMH)** state Sections 37.700 -37.730 create an Office of Child Advocate within the Office of Administration to assure that children receive adequate protection and care from services and programs offered by DOS and DMH or juvenile court. DMH's Consumer Affairs Office represents consumer and family viewpoints in decision

ASSUMPTION (continued)

and policy development for the DMH. It works to increase the knowledge and skills of individuals and families necessary to effectively navigate the system so they experience greater satisfaction. Client Rights services are provided through this office. The Office of Child Advocate created under this bill, "shall act independently of the Departments of Social Services, Mental Health and the juvenile court", so DMH assumes that the provisions relating to Chapter 37 RSMo do not affect the services provided by the DMH. Further, DMH assumes that no fiscal impact will be imposed upon the DMH for the funding and staffing of such office since section 37.705 states the "Office of Administration" shall provide administrative support and staff as deemed necessary. Also, section 37.710.2(7) gives the Office of Administration the authority to "apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities."

DMH states Section 210.108 authorizes the Department of Social Services to enter into "voluntary Placement agreements" with parents, legal guardians or custodians for placement of children only in need of mental health services with the Department of Mental Health.

Officials from the **Office of Administration - Office of Child Welfare (OCW)** state if a report is determined to be unsubstantiated, the reporter may request that the report be referred to the Office of Child Advocate. The OCW anticipates a substantial number of referrals to be referred to the child advocate's office. The impact of adding referrals on unsubstantiated child abuse hotline reports is unknown. OCW estimates an investigator can handle 20 new referrals a month and estimates a .67 FTE Investigator will be needed.

**Oversight** assumes these costs of a .67 FTE Investigator could be absorbed. Should the OCW receive significantly more referrals than anticipated, they could request additional resources through the appropriation process.

Officials from the **Department of Corrections (DOC)** assume this proposal will require supervision by the DOC through probation or incarceration would result in some additional costs, but DOC assumes the impact would be \$0 or minimal and could be absorbed.

Officials from the **Department of Revenue (DOR)** stated the following:

Revenue Impact: DOR states as of January 23, 2004, the DOR has approved credits for 786 returns, totaling \$2,000,000. DOR has also denied 566 returns due to the cap being reached, totaling \$1,496,543. Because the amount denied is only for half of the fiscal year, the DOR believes the total loss to General Revenue will be more than \$1,500,000. However, the DOR

ASSUMPTION (continued)

cannot estimate the total loss to General Revenue and assumes it will be \$1,500,000 to unknown.

DOR states because the credit is now refundable, the full credit amount will be utilized the first year, therefore having a greater impact to GR the first year. Currently, the use of the credit is being spread out over five years, due to the carry forward provisions of the credit.

DOR states some type of form will need to be drafted to have taxpayers attest that all information is accurate on the application. Taxation will have to create a PC application to track the special needs adoptions. DOR estimates it will take two programmers two months at a cost of \$23,085.

**Oversight** assumes the anticipated amount of credits to be submitted over the annual cap this year could be a result of the previous years' buildup of denied claims plus additional claims from this year. Therefore, if the cap on the tax credits was taken out of statutes, the first fiscal year (FY 2005) could have a large impact of previous year' denied credits being allowed, and then future years not so large. Therefore, with this possibility and with the lack of information available regarding the number of special needs adoptions in the state and the non-recurring expenses related to them, **Oversight** will present the cost as \$1,500,000 to \$2,000,000 in FY 05 and \$100,000 to \$2,000,000 for FY's 06 and 07.

These tax credits can be sold to and utilized by insurance companies against their premium tax liability. Premium tax revenue is split evenly between General Revenue Fund and the County Foreign Insurance Fund which is later distributed to school districts. Therefore, **Oversight** has footnoted the possibility that some of the additional tax credits resulting from this proposal could be utilized by insurance companies and therefore, reduce revenue to the local school districts.

The DOR stated there would be a cost of \$3,966 in FY 05 related to the programming required for school bus permit system programming.

Officials from the **Office of Attorney General (AGO)** assume that certain provisions in the proposal will require additional advice to agencies, particularly regarding the Sunshine Law, access to records and proceedings and criminal background checks. AGO also assumes that the privatization of components of the Division of Children's Services may result in additional legal work for AGO in reviewing contracts with private entities and defending the state from any litigation arising from those contracts.

AGO assumes because it acts on behalf of the Department of Social Services in child support enforcement issues, in motions for contempt for arrears in child support enforcement orders, the AGO will terminate the rights of certain non-custodial parents. AGO will need 13 additional

ASSUMPTION (continued)

staff (10 Assistant Attorneys General I and 3 Legal Secretaries) and assumes staff and equipment and expenses will be provided for by 75% federal funds and 25% General Revenue Funds. AGO notes that the General Revenue Fund will be reimbursed by the Child Support Enforcement Fund.

The AGO assumes that certain provisions in the rest of the proposal would require additional advice to agencies, particularly regarding the Sunshine Law, access to records and proceedings, and criminal background checks. AGO also assumes that the privatization of components of the Division of Children's Services may result in additional legal work for reviewing contracts with private entities and representing the state in any litigation arising from those contracts.

AGO assumes that potential costs arising from the remainder of this proposal are unknown, but will not exceed \$100,000.

Officials from the **Department of Social Services - Children's Division (CD)** stated the following:

Section 210.109.3(8) - Privatization

The CD states this section requires the CD to contract with private agencies to provide case management services whenever available and appropriate. The CD assumes that the language, "whenever available and appropriate..." would mean that the division has the authority to determine where contracting for services would be appropriate. The CD also assumes the intent of this section would be for contracting to be done with existing funding. Therefore, this section is not expected to have a fiscal impact.

Sections 210.112

CD states on or before July 1, 2005, and subject to appropriations, the CD shall enter into and implement contracts with qualified children's service providers and agencies which will provide a comprehensive system of service delivery. Direct services shall be contracted for by a competitive bid process. Contractors shall have a proven record of providing child welfare services or the ability to provide a range of child welfare services. In implementing, the CD and courts will direct efforts toward Greene County and other areas where eligible direct children's service providers are currently available.

The CD will develop performance based contracts to provide child welfare services in these areas. Due to several factors, including the stipulation that the rates are to be reasonable amounts based on the costs of services, contracting for these services may exceed the cost of providing these services within the CD. However, until the contracts are awarded, the additional cost to the

ASSUMPTION (continued)

state is unknown. Therefore, the CD is assuming at this time that the cost to contract for child welfare services is equivalent to providing those services with state/public staff. This section is subject to appropriation therefore any additional cost would have to be appropriated before this section is implemented. The fiscal impact for this section is unknown but greater than \$100,000.

**Oversight** assumes unknown costs for privatization, but assumes the resulting staff loss will net the fiscal impact to \$0.

Section 210.112.6 - Privatization Evaluation

The Division is to conduct an evaluation of the success of privatization. The CD estimates the cost would be \$30,000 based on a similar research conducted in the past year.

Section 210.113 - Accreditation

The CD states it is the goal of the General Assembly for the DOS to attain accreditation by the Council on Accreditation for Families and Children within five years of the effective date of the section. To achieve accreditation an additional staff 774 staff, including 417 Social Service Workers are needed. The cost over a five-year period is approximately \$45.5 million before inflation. This includes associated supervisory and clerical staff, salaries, E&E, leasing costs, and fringe benefits.

Based on FY 03 budget, CD (then DFS) had 1,382 budgeted social service workers but only 75% or 1,037 were staffed at that time. Also at that time, social workers were handling 23,094 cases (24,714 cases less 1,620 privatized cases) or a total of 22 cases per social worker. **Oversight** assumes CD would need to move to 14 cases per social worker to become accredited. Depending on the type of case, social workers can handle more or less than 14 cases, but 14 is the average. Therefore, CD would need 1,650 social workers or 268 more than it currently has budgeted (1,650-1,382). CD has on average, .63 supervisors and clerical staff for each social worker. Therefore, CD would need 169 supervisors and clerical staff in addition to the 268 social workers for a total of 437 staff. Since the accreditation is to occur within 5 years, **Oversight** has adjusted CD's estimate of 156 FTE needed per year to 88 FTE (437/5) per year.

**Oversight** has, for fiscal note purposes only, changed the starting salary for CD employees to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

ASSUMPTION (continued)

Section 210.487 - Fingerprinting Costs

CD states the fiscal impact is assumed to be zero based upon the appropriation in the FY 05 budget of the costs for the fingerprinting requirements. CD states this funding will be available upon signing by the Governor of HB 11.

210.762 - Team Meetings

Due to the uncertainty of the intent of Sections 210.762, it is not possible to fully determine the fiscal impact. However, for this fiscal note, CD assumes that the term "any action" as used in Section 210.762 is referring to the team meeting held upon initial placement of a child in protective custody. Based upon this assumption, CD assumes there would be no fiscal impact.

Section 210.117 and 211.038--Child Placement

These sections would mandate that any child placed in the state's custody, shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been guilty of various violations. This could increase the number of children in the custody of the CD and would increase the length of time some children would have to remain in the CD's custody.

The CD cannot estimate the increase to work load for division staff, and cannot determine the number of children who would remain in the CD's custody for a longer period of time. Since the number of children that would be affected is unknown, the fiscal impact for this is unknown. If even 15 children were kept in custody the impact would exceed \$100,000.

Several sections - Preponderance of Evidence

Preponderance of the evidence requires more evidence resulting in a need for staff to be certified forensic investigators. Training for such specialization is provided by "Finding Words," currently being utilized by CACs in Missouri. The cost is \$475 per trainee. As of FY04, the CD has 1,382.42 budgeted workers. Additionally 95 Social Service Workers will be added each year to achieve accreditation. Social Service Worker turnover is approximately 20% per year. Therefore, a factor needs to be added for ongoing training costs due to turnover. The costs per year would be:

FY 05:  $1,282.42 + 95 \text{ additional workers} = 1,477.42 \times \$475 = \$701,775$

FY 06:  $95 \text{ additional workers} + 295 \text{ turnover} = 390 \times \$475 = \$185,250$

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ASSUMPTION (continued)

FY 07: 95 additional workers + 314 turnover =  $409 \times \$475 = \$194,275$

Officials from the **Department of Social Services - Office of Early Childhood (OEC)** assumes family home childcare providers must submit to fingerprinting at their initial application for state or federal funds. OEC estimated in a previous note that 4,562 persons would need to be fingerprinted, however, the OEC would pass the cost of fingerprinting on to the applicant. Therefore, OEC assumes no fiscal impact.

Officials from the **Department of Social Services - Division of Medical Services (DMS)** assumed the following:

DMS states Section 208.647 eliminates the waiting period for health care coverage for children with special health care needs that do not have access to affordable employer-subsidized health care insurance as determined by the Family Support Division (FSD). In order to receive federal participation, the Centers for Medicare and Medicaid Services (CMS) would have to approve an amendment to the 1115 waiver. For the purpose of this fiscal note, DMS assumes CMS would approve such a waiver amendment.

FSD has estimated that 126 children would meet these guidelines in FY 05. The cost was determined by utilizing a phase-in formula for the number of eligibles multiplied by the cost per eligible. It is assumed the number of children would be this high because the proposed legislation would apply to common childhood health conditions, such as earaches or colds, which could lead to hearing loss or pneumonia, respectively.

DMS states the average monthly cost per child in the 1115 waiver for FY 03 is \$100.33. Based on a six-month phase-in for the first fiscal year and taking into account the inflation forecast of 4.5% for medical care, the total cost for FY 05 would be \$125,499. For FY 06 and FY 07, the number of eligible children was increased by 3% for caseload growth and phased-in over a four month time frame. The same inflation forecast of 4.5% was applied to the second and third years as well. The total cost for FY 06 would be \$170,253 and for FY 07, the total cost would be \$183,413.

DMS states Section 701.336 would require lead poisoning screenings. DMS assumes that the collaboration to devise an educational strategy, as required by this legislation, can be provided with existing staff and resources. However, if the implementation of the strategy requires additional administrative duties over and above the current workload of DMS staff, DMS would require additional staff to perform these duties. If not, there is not a fiscal impact for new staff to DMS.

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ASSUMPTION (continued)

If the number of children tested for lead poisoning increases, the Medicaid expenditures for the fee-for-service population would also increase. In addition, the managed care rates of the health maintenance organizations would have to be adjusted to reflect the increased utilization. The anticipated impact of these adjustments is unknown. Therefore, DMS assumes a fiscal impact of unknown but greater than \$100,000.

Officials from the **Department of Public Safety - Criminal Records and Identification Division (CRI)** responded to our fiscal note request and calculated a cost based on 154,209 fingerprints the first year and 26,161 each subsequent year. They obtained this number by contacting the appropriate state agencies. However, in their response to Oversight, the CD reported 1,958 would need background checks and OEC reported 4,562 would need background checks. Oversight has used MHP's formula to recalculate the cost based on 6,520 applicants.

Based on this volume, one additional FTE would be required. The CRI would have this individual work 2<sup>nd</sup> and 3<sup>rd</sup> shift so no new equipment would be needed.

The CRI would collect \$38 and pass the \$24 fee from the Federal background checks and pass this on to the FBI.

The CRI estimates the Information System Division (ISD) of the Department of Public Safety would incur additional state data center costs of approximately \$1,630 per year.

Officials from the **Department of Health and Senior Services (DOH)** stated the following: STATE PUBLIC HEALTH LAB (SPHL)

DOH states the goal of this legislation is to have 75% of the children who receive Medicaid tested for lead poisoning by August 28, 2008. (See 701.336.2)

DOH states according to the latest data available, 55% of Medicaid clients are not enrolled in MC+ plans. In FY 03 the SPHL performed 74% of the lead testing on the Missouri Medicaid clients that were not enrolled in Medicaid Managed Care (MC+). Approximately 10% of the samples tested result in a second sample being tested. The SPHL performs less than .5% of the lead tests on those that were enrolled in a MC+ plan. It is assumed this testing percentage will continue as more Medicaid children are tested. It is also assumed the SPHL will test few, if any, non-Medicaid samples as the volume of Medicaid testing increases due to limited laboratory capacity.

FY 03 lead testing data for SPHL

Total Medicaid samples – 11,228

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ASSUMPTION (continued)

FY 03 Total Missouri Medicaid children (6 month – not yet reached 6 yrs) ----- 182,729

Medicaid children not enrolled in MC+ plans ----- 100,932

## Projected Samples (Medicaid-non MC+plan) tested by SPHL

	Year 1*(40%)	Year 2* (60%)	Year 3* (75%)
* based upon 40%, 60%, 75% testing of non-MC+ Medicaid child population with SPHL performing 74% of testing			
	29,877	44,815	56,019
	<u>2,988</u> (10% repeat)	<u>4,482</u> (10% repeat)	<u>5,602</u> (10% repeat)
Total	32,865	49,297	61,621

## Increase over FY 03

SPHL workload (11,228)	21,637	38,069	50,393
Revenue raised			
\$9.00/sample**	\$194,730	\$342,621	\$453,539
**based up 60% Federal share Medicaid reimbursement of \$15 fee schedule			
Projected costs	(\$357,005)	(\$628,138)	(\$831,488)
@\$16.50/sample SPHL cost			
(present workload of 11,228			
samples not included)			
Cost over Revenue	(\$162,274)	(\$285,517)	(\$377,950)

## Staffing

1st year – two Public Health Lab Scientists, one Office Support Assistant, one Storekeeper, and one Account Clerk II (SPHL)

2nd year - one Senior Public Health Lab Scientist

3rd year - one Public Health Lab Scientist

Expenses over standard include postage for mailing kits and laboratory forms; printing of laboratory forms, instrument lease costs (includes maintenance & repair), and laboratory supplies and reagents.

DOH states while costs per test run \$16.50, Medicaid revenue is based on the fee schedule set by Medicaid, which is \$15.00 per test. Of that \$15.00, the State Public Health Lab receives only the

ASSUMPTION (continued)

federal portion, which is 60%, or \$9.00 per test.

DOH assumes that all costs and revenues will be charged to and deposited in the Childhood Lead Testing Fund created in section 701.345. Because moneys in the fund shall be used to fund the administration of childhood lead programs, blood tests to uninsured children, educational materials and analysis of lead blood test reports and case management, no indirect costs have been shown.

**DIVISION OF ENVIRONMENTAL HEALTH AND COMMUNICABLE DISEASE PREVENTION**

**PERSONNEL:** One Health Educator II would be needed. Expenses would be needed to cover costs to produce brochures (15¢ each), and postage to mail them (40¢ each).

Child population less than six years of age participating in Medicaid as 7/1/03 = 182,729. Less than 15% are lead tested. Thus, the following number of brochures will need to be produced:

182,729 – for 1st year mailing and to use during physician and laboratory visits.

73,092 – for 2nd year mailing – assumes 40% from 1st mailing will still not be lead tested.

29,237 – for 3rd year mailing – assumes 40% from 2nd mailing will still not be lead tested.

285,058 – Total

**DIVISION OF SENIOR SERVICES AND REGULATION**

The Dept. of Elementary and Secondary Education stated that in 2002, 92,288 educator staff and 45,885 non-educator staff were employed by the school districts statewide. DESE also estimates there is an 8% turnover rate, so 11,054 staff would be hired annually.

According to the internet website for the Missouri CASA Association (Court Appointed Special Advocates), there are 16 regional programs in Missouri and CASA of St. Louis County has 87 volunteers. The DHSS estimates that on average there would be approximately 50 volunteer advocates per region or a total of approximately 800 volunteer advocates to be registered and screened.

DOH is unable to accurately estimate the number of employees working for the private children's division providers and agencies that would require registering and screening nor the number of attorneys appointed annually to act as guardians ad litem in juvenile cases.

DOH estimates that it will require one additional Health Program Representative I/II FTE and 1 additional Office Support Assistant (Keyboarding) FTE to respond to the estimated additional

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ASSUMPTION (continued)

registrations and requests for background screening received through the school districts and the courts. DHSS estimates that one HPR I/II FTE can process 12,000 registrations and related requests annually, and one Office Support Assistant will be required to handle the copying and mailing of results to the school districts, courts, and registrants.

Additional staff will be required if the total number of additional registrations required by the bill exceed 12,000 annually.

## DIVISION OF COMMUNITY HEALTH

DOH states there are presently 488 participants in Hope Service who are not covered by Medicaid. Historically, 1% of those were rejected for Medicaid due to insurance coverage in the previous 6 months. SHCN estimates that 5 participants were rejected for Medicaid coverage due to having insurance coverage within the previous 6 months. A slight savings in General Revenue could occur.

**Oversight** used estimates of fiscal impact provided by DOH for another proposal.

Officials from the **Office of Prosecution Services** and **Missouri Senate** did not respond to our fiscal note request.

**Section 43.530**

In response to a similar proposal from this year, officials from the **Department of Elementary and Secondary Education (DES)** stated it would increase fees for receiving background checks and fingerprint search requests. Payments for background checks will increase from \$5 to \$10; and payments for fingerprint searches will increase from \$14 to \$20.

DES stated that during FY 2003, they requested background checks and fingerprint searches as follows:

	<u>FY 2003</u>	Fee increase			<u>FY 2005</u>	<u>FY 2006</u>
Background	54,977	x	\$5	= \$274,885		
Fingerprint	<u>12,910</u>	x	\$6	= <u>\$ 77,460</u>		
<b>TOTAL</b>	<b>67,887</b>			<b>\$ 352,345</b>	<b>\$387,580</b>	<b>\$426,337</b>

School districts would see an additional cost directly related to the number of requests made. In FY 2003, the additional costs would have been \$352,345 to school districts. The number of requests increased by 9.2% and 10.7% during FY 2002 and FY 2003 respectively, therefore, DES' calculation for subsequent years is inflated by 10%.

ASSUMPTION (continued)

DES stated that the additional 67,887 background and fingerprint checks are required by administrative rule. **Oversight** assumes that administrative rule is considered “state law” and thus there would not be an increase in fees for these background and fingerprint checks.

In response to a similar proposal from this year, officials from the **Department of Social Services - Children’s Division (CD)** stated this would change the fee for name based criminal record checks from \$5 to \$10. Currently, the CD obtains name based criminal history checks on Foster Parents through the Family Safety Registry. Currently, the fee is waived for Foster Parents to sign up for the registry. Therefore, there is no fiscal impact to CD for raising the fee from \$5 to \$10.

In addition, this legislation raises the cost of a fingerprint criminal record check through the Highway Patrol from \$14 to \$20. The CD stated they are requesting funding in the FY 2005 budget to perform fingerprint criminal record searches. This would raise the amount of funding needed to perform the fingerprint criminal record check. The CD stated the current budget request is based on a cost of \$14 for a Highway Patrol fingerprint criminal history check and \$24 for an FBI fingerprinting criminal history check. Therefore, the CD current budget request would be insufficient to meet the costs of a fingerprinting if the legislation is passed. There would be an additional \$6 per check needed on the following providers:

	<u>New</u>	<u>Renewals</u>	<u>Total</u>
Relative Homes	1,000	1,327	2,327
Adoptive Homes	1,145	2,658	3,803
Foster Homes	979	2,471	3,450
Court Ordered Placements	4,222		4,222
Supervision Only Placements	653		<u>653</u>
TOTAL			<u>14,455</u>

Therefore, CD assumed 14,455 x 2 persons per households x an additional \$6 = \$173,460 in costs resulting from the proposal. The CD assumed the cost breakout would be \$82,394 of General Revenue Funds and \$91,067 of Federal Funds.

**Oversight** assumes the proposal may or may not have an impact on the current budget request for CD, and has not reflected the potential increase in the fiscal note.

In response to a similar proposal from this year, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated that according to their Criminal Records and Identification Division (CRID), the amendment would increase the revenue received for name

ASSUMPTION (continued)

checks. CRID estimates 90% of its 630,000 name checks are federally or state mandated. The CRID currently charges \$5.00 for a name check. The proposed amendment allows the division to charge not more than \$10.00 for a name check when the requesting entity is not required to obtain the information by state or federal law.

Based upon 63,000 name checks ( $630,000 \times 10\%$ ), the MHP assumes the additional revenue that could be generated with this amendment from the name searches, could be up to an additional \$315,000. Below are some of the incremental increases possible.

\$6 per check (\$1 increase) = \$63,000 in additional revenue  
\$7 per check (\$2 increase) = \$126,000 in additional revenue  
\$8 per check (\$3 increase) = \$189,000 in additional revenue  
\$9 per check (\$4 increase) = \$252,000 in additional revenue  
\$10 per check (\$5 increase) = \$315,000 in additional revenue

Also currently, the Criminal Records Identification Division processes 9,336 fingerprint searches, which generates \$130,704 ( $9,336 \times \$14$ ) in revenue. The MHP assumes almost all fingerprint searches are state/federally mandated, so there would not likely be any additional revenue generated. The MHP assumes if there is, it would be minimal.

The MHP assumed that some amount of increase for background checks would be made each year. MHP also assumes that the increase would only be about \$1.00 each time. A decision would have to be made to determine how much the fee would increase once the legislation passed, and how often it would increase after that.

The MHP also stated they do not charge state agencies for background checks, so this proposal would not result in additional cost to other state agencies.

The amendment states the MHP can charge not more than \$10 for a name check and not more than \$20 for a fingerprint check. Based on this and MHP's response, **Oversight** will range the fiscal impact of the proposal from \$0 (MHP is allowed to by statute but chooses not to raise the fees) to an additional \$315,000 in revenue to the Criminal Record System Fund.

**Oversight** assumes some of the potential increase in background and fingerprint searches will be paid by local political subdivision (including local school districts) and some of the potential increase will be paid by various other non-governmental entities. Therefore, Oversight will range the additional cost of the amendment to local political subdivisions from \$0 to (Less than \$315,000).

## ASSUMPTION (continued)

### Putative Father Registry Section 192.016 and Sections 453.020 thru 453.061

Officials from the **Department of Health and Senior Services (DOH)** assume they would be responsible for printing and distributing pamphlets relating to this proposal. The DOH assumes the printing costs for 150,000 pamphlets would be \$15,834. The DOH assumes mailing cost to 2,471 counties, birthing hospitals, public libraries, public schools, and universities would be \$9,772. The DOH estimates 200 Programming hours x \$50.00 per hour = \$10,000 would be needed to develop database for tracking purposes and modify paternity file.

Officials from the **Office of State Courts Administrator (CTS)** state this proposal would create new rights for men in the establishment of paternity, and make changes in the putative father registry maintained by the Department of Health and Senior Services. The CTS states the proposal provides for a \$50 filing fee on all petitions for adoption, to be used to fund the registry.

The CTS states in 2003 (the most recent year for which this data is available), there were 3,400 adoption filings. Thus, the CTS estimates that approximately \$170,000 will be raised in a given year.

Officials from the **Office of the Secretary of State (SOS)** state this proposal amends the Putative Father Registry. The Department of Social Services could promulgate rules to enact this legislation. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Social Services could require as many as 4 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$246.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Social Services - Children's Division (CD)** state the CD reimburses the adoptive parents for legal fees incurred during the adoption process of a child in their care and custody. The legal fees include the filing fee for the adoption proceedings. In FY

ASSUMPTION (continued)

2003, the CD had approximately 1,407 adoptions finalized. The proposed filing fee could potentially cost the agency \$70,350.

**Section 210.102**

Officials from the **Department of Social Services (DOS)** assume this proposal would establish a Coordinating Board for Early Childhood under the auspices of the Children's Services Commission. It is assumed that expenses for the Coordinating Board would be supported through grants and donations.

**Oversight** assumes the Coordinating Board for Early Childhood would be established as outlined in the DOS response and supported through grants, contracts, and donations. Therefore, Oversight has assigned no fiscal impact to the proposal.\

**Section 452.455**

Officials from the **Department of Revenue** assume the proposal would not impact the administration of the child support disbursements and receipts.

Officials from the **Office of State Courts Administrator (CTS)** assume there will be judicial time required to determine what the appropriate bond should be (this might require a hearing), and clerical time required to process the bonds. There were 9,478 motions to modify filed in FY 03. CTS does not know how many involved child support arrearages. CTS speculates there is a slight possibility the bond requirement might deter a few people from filing a motion. There may be a workload increase in some courts, but at this time, CTS cannot quantify a specific fiscal impact.

**Oversight** assumes the Office of State Courts Administrator could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the courts would be reflected in future budget requests.

Officials from the **Department of Social Services – Division of Family Support/Child Support Enforcement (FSD)** assume disputes of arrearage amounts could cause more phone calls and correspondence to child support staff, possibly increasing the workload of technicians. There could be an increase in the number of payments coming into the Department of Revenue – Family Support Payment Center, many of them from individuals who do not have a case with the child support agency. New policies for circuit clerk and child support staff would have to be

ASSUMPTION (continued)

developed to address the changes set forth in this proposal. The circuit clerks may also see an increase in their workload. FSD assumes the fiscal impact of this proposal is unknown at this time. FSD is unable to estimate the number of custody modifications that will be effected by the proposal, so FSD is unable to estimate the increase in work that may result from this legislation. Likewise, there could be an impact on the amount of reimbursement made to the county clerks, but that amount is unknown. DFS assumes the fiscal impact of this proposal is unknown, but less than \$100,000.

Officials from the **Office of Attorney General (AGO)** assume that because it acts on behalf of the Department of Social Services in child support enforcement issues, this proposal will create a fiscal impact. AGO assumes that in motions for contempt for arrears in child support enforcement orders, this proposal will allow it to also terminate the rights of certain non-custodial parents, which will expand the time, travel and work demands for these cases. Based on current practices, AGO assumes that it will need 11 addition FTE. AGO assumes funding for this provision will be provided for by 75% Federal and 25% General revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2005	FY 2006	FY 2007
<b>GENERAL REVENUE</b>			
<u>Income</u> - Office of State Courts			
Administrator			
Filing fees (Sections 192.016, 453.020, 453.030, 453.060, 453.061)	\$170,000	\$170,000	\$170,000
<u>Income</u> - Transfer from Child Support Enforcement Fund			
	\$139,693	\$171,974	\$176,429
<u>Savings</u> - Department of Health and Senior Services			
Program savings	\$1,715	\$1,715	\$1,715
<u>Costs</u> - Office of Attorney General			
Additional litigation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> – Department of Social Services			

Increased workload-Section 452.455	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs - Department of Social Services - Children's Division</u>			
Personal Service (88 FTE in FY 05, 176 FTE in FY 06 and 264 FTE in FY 07)	(\$1,299,010)	(\$3,195,565)	(\$4,913,181)
Fringe Benefits	(\$537,790)	(\$1,322,964)	(\$2,034,058)
Expense and Equipment	(\$877,607)	(\$1,357,847)	(\$1,319,624)
Evaluation contract	(\$20,550)	(\$21,167)	(\$21,801)
Child Placement - Sections 210.117 & 211.038	(Unknown, greater than \$100,000)	(Unknown, greater than \$100,000)	(Unknown, greater than \$100,000)
Training for preponderance of evidence	(\$480,716)	(\$126,896)	(\$133,078)
<u>Total Costs - Department of Social Services - Children's Division</u>	(Unknown, greater than \$3,315,673)	(Unknown, greater than \$6,124,439)	(Unknown, greater than \$8,522,742)
*Subject to appropriations			
<u>Costs - Department of Social Services - Division of Family Services</u>			
Filing fees (Sections 192.016, 453.020, 453.030, 453.060, 453.061)	(\$46,529)	(\$46,529)	(\$46,529)
<u>Costs - Department of Revenue</u>			
Programming Costs	(\$23,085)	\$0	\$0
<u>Costs - Department of Social Services - Division of Medical Services</u>			
Program Costs-Section 208.647	(\$34,048)	(\$46,190)	(\$49,760)
Program costs-lead testing Section 701.336	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
<u>Total Costs - Department of Social Services - Division of Medical Services</u>	(More than \$134,048)	(More than \$146,190)	(More than \$149,760)
<u>Costs - Department of Public Safety - Missouri State Highway Patrol</u>			
State Data Center Costs	(\$1,358)	(\$1,679)	(\$1,729)

Costs - Department of Health and Senior Services

Expense and equipment (Sections 192.016, 453.020, 453.030, 453.060, 453.061)	(\$35,673)	(\$26,456)	(\$27,250)
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Costs - Department of Health and Senior Services

Personal Service (3 FTE)	(\$66,635)	(\$81,961)	(\$84,010)
Fringe Benefits	(\$27,587)	(\$33,932)	(\$34,780)
Expense and Equipment	(\$140,264)	(\$62,707)	(\$39,261)
Transfer to CLTF 40% share of test costs	<u>(\$162,274)</u>	<u>(\$285,517)</u>	<u>(\$377,950)</u>
<u>Total Costs - Department of Health and Senior Services</u>	<u>(\$396,760)</u>	<u>(\$464,117)</u>	<u>(\$536,001)</u>

Costs - Office of Attorney General

Personal Service (3.25 FTE)	(\$81,039)	(\$99,678)	(\$102,170)
Fringe Benefits	(\$33,550)	(\$41,267)	(\$42,299)
Expense and Equipment	<u>(\$25,104)</u>	<u>(\$31,029)</u>	<u>(\$31,960)</u>
<u>Total Costs - Office of Attorney General</u>	<u>(\$139,693)</u>	<u>(\$171,974)</u>	<u>(\$176,429)</u>

<u>Loss - increase in adoption tax credits*</u>	<u>(\$1,500,000 to \$2,000,000)</u>	<u>(\$100,000 to \$2,000,000)</u>	<u>(\$100,000 to \$2,000,000)</u>
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<b>ESTIMATED NET EFFECT ON GENERAL REVENUE**</b>	<b><u>(More than \$5,281,411)</u></b>	<b><u>(More than \$6,737,695)</u></b>	<b><u>(More than \$9,212,296)</u></b>
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\* The fiscal impact could be divided between the General Revenue Fund and the County Foreign Insurance Fund (which ultimately goes to local school districts) if some of the tax credits are utilized against insurance premium taxes.

\*\*Not including cost of unknown less than \$200,000

**HIGHWAY FUND**Costs - Department of Revenue

Programming costs	<u>(\$3,966)</u>	<u>\$0</u>	<u>\$0</u>
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**ESTIMATED NET EFFECT TO  
HIGHWAY FUND****(\$3,966)****\$0****\$0****CRIMINAL RECORDS SYSTEM  
FUND****Revenue – Department of Public Safety -  
Missouri State Highway Patrol**

Fingerprint fees (6,520 x \$38) \$247,760 \$247,760 \$247,760

Increase fees for background  
checks–Section 43.530 \$0 to \$315,000 \$0 to \$315,000 \$0 to \$315,000**Total Revenue - Department of Public  
Safety - Missouri State Highway Patrol** \$247,760 to \$247,760 to \$247,760 to  
\$562,760 \$562,760 \$562,760**Costs – Department of Public Safety -  
Missouri State Highway Patrol**

Pass through to FBI (6,520 x \$24) (\$156,480) (\$156,480) (\$156,480)

Personal Services (1 FTE) (\$18,614) (\$22,895) (\$23,468)

Fringe benefits (\$7,706) (\$9,479) (\$9,716)**Total Costs - Department of Public Safety  
- Missouri State Highway Patrol** (\$182,800) (\$188,854) (\$189,664)**ESTIMATED NET EFFECT ON  
CRIMINAL RECORDS SYSTEM  
FUND****\$64,960 to  
\$379,960****\$58,906 to  
\$373,906****\$58,096 to  
\$373,096****CHILDHOOD LEAD TEST FUND****Revenues- Department of Health and  
Senior Services**

Sample fees \$194,730 \$342,621 \$453,539

**Transfer in - from General Revenue** \$162,274 \$285,517 \$377,950**Costs - Department of Health and Senior  
Services**

Personal Service (5, 6, and 7 FTE) (\$105,606) (\$166,923) (\$204,889)

Fringe Benefits (\$43,721) (\$69,106) (\$84,824)

Expense and Equipment (\$184,834) (\$355,029) (\$496,696)

Indirect costs	<u>(\$52,842)</u>	<u>(\$84,460)</u>	<u>(\$104,117)</u>
<u>Total Costs - Department of Health and Senior Services</u>	(\$387,003)	(\$675,518)	(\$890,526)

<b>ESTIMATED NET EFFECT ON CHILDHOOD LEAD TEST FUND</b>	<b><u>(\$29,999)</u></b>	<b><u>(\$47,380)</u></b>	<b><u>(\$59,037)</u></b>
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#### **CHILD SUPPORT ENFORCEMENT FUND**

<u>Cost - Attorney General</u>			
Transfer to General Revenue Fund	(\$139,693)	(\$171,974)	(\$176,429)

<b>ESTIMATED NET EFFECT ON CHILD SUPPORT ENFORCEMENT FUND</b>	<b><u>(\$139,693)</u></b>	<b><u>(\$171,974)</u></b>	<b><u>(\$176,429)</u></b>
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#### **FEDERAL**

<u>Income - Department of Social Services</u>			
Program reimbursements	More than \$1,741,494	More than \$3,424,439	More than \$4,874,851

<u>Income - Office of Attorney</u>			
Program reimbursements	\$419,081	\$515,921	\$529,285

<u>Income - Department of Social Services - Division of Family Services</u>			
Program Reimbursements	Unknown, greater than \$1,765,315	Unknown, greater than \$5,084,211	Unknown, greater than \$7,413,947

<u>Costs - Department of Social Services - Children's Division</u>			
Personal Service (88 FTE in FY 05, 176 FTE in FY 06 and 264 FTE in FY 07)	(\$665,021)	(\$1,635,951)	(\$2,515,275)
Fringe Benefits	(\$275,319)	(\$677,284)	(\$1,041,324)
Expense and Equipment	(\$193,159)	(\$624,412)	(\$817,246)
Evaluation contract	(\$9,450)	(\$9,734)	(\$10,026)

Child Placement - Sections 210.117 & 211.038	(Unknown, greater than \$100,000)	(Unknown, greater than \$100,000)	(Unknown, greater than \$100,000)
Training for preponderance of evidence	(\$221,059)	(\$58,354)	(\$61,197)
Fingerprinting (1,958 per year)*	<u>(\$39,062)</u>	<u>(\$39,062)</u>	<u>(\$39,062)</u>
<u>Total Costs - Department of Social Services - Children's Division</u>	(Unknown, greater than \$1,503,070)	(Unknown, greater than \$3,144,797)	(Unknown, greater than \$4,584,130)
*Subject to appropriations			
<u>Cost - Department of Social Services - Division of Legal Services</u>			
Personal Services (1.5 FTE)	(\$20,303)	(\$24,983)	(\$25,607)
Fringe Benefits	(\$8,479)	(\$10,433)	(\$10,694)
Expense and Equipment	<u>(\$18,191)</u>	<u>(\$20,163)</u>	<u>(\$20,767)</u>
<u>Total Cost - Department of Social Services - Division of Legal Services</u>	(\$46,973)	(\$55,579)	(\$57,068)
<u>Costs - Department of Social Services - Division of Medical Services</u>			
Program Costs-Section 208.647	(\$91,451)	(\$124,063)	(\$133,653)
Program costs-lead testing Section 701.336	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
<u>Total Costs - Department of Social Services - Division of Medical Services</u>	(More than \$191,451)	(More than \$224,063)	(More than \$233,653)
<u>Costs - Department of Social Services - Division of Family Services</u>			
Program Costs - Reimbursements-Sections 192.016, 453.020, 453.030, 453.060, 453.061)	(\$23,821)	(\$23,821)	(\$23,821)
<u>Costs - Office of Attorney General</u>			
Personal Service (9.75 FTE)	(\$243,118)	(\$299,034)	(\$306,510)
Fringe Benefits	(\$100,651)	(\$123,800)	(\$126,896)
Expense and Equipment	<u>(\$75,312)</u>	<u>(\$93,087)</u>	<u>(\$95,879)</u>
<u>Total Costs - Office of Attorney General</u>	(\$419,081)	(\$515,921)	(\$529,285)

**ESTIMATED NET EFFECT TO  
FEDERAL FUNDS**

**\$0****\$0****\$0**

FISCAL IMPACT - Local Government

FY 2005

FY 2006

FY 2007

**POLITICAL SUBDIVISIONS**Costs – Local School DistrictsReimbursement to employees for  
criminal history checks

\$0 to (\$992,482) \$0 to (\$992,482) \$0 to (\$992,482)

Costs - Local School Districts and other  
political SubdivisionIncreased fees for background checks  
Amendment 3\$0 to (Less than  
\$581,016)\$0 to (Less than  
\$581,016)\$0 to (Less than  
\$581,016)**ESTIMATED NET EFFECT TO  
POLITICAL SUBDIVISIONS****\$0 to (Less  
than  
\$1,573,498)****\$0 to (Less  
than  
\$1,573,498)****\$0 to (Less  
than  
\$1,573,498)**FISCAL IMPACT - Small Business

Small businesses providing certain child care services would be affected as a result of this proposal.

DESCRIPTION

This proposal changes the laws regarding protective services for children and foster care.

**CHILD ABUSE AND NEGLECT REPORTS**

The proposal:

- (1) Changes the standard for including an individual on the child abuse and neglect central registry from probable cause to believe the individual committed child abuse or neglect to a finding by the Children's Division within the Department of Social Services that there is a preponderance of evidence that the individual committed child abuse or neglect;
- (2) Prohibits mandated reporters from making reports of child abuse or neglect anonymously. All other reporters may remain anonymous;
- (3) Requires the division to use a structured decision-making model to classify all reports made to the child abuse and neglect hotline, giving priority to ensuring the well-being and safety of the child;

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### DESCRIPTION (continued)

- (4) Requires the names of individuals placed on the central registry before August 28, 2003, to remain on the registry for the duration of the time required in Section 210.152, RSMo;
- (5) Prohibits the division from meeting with a child at any school or child care facility building where abuse of the child is alleged to have occurred;
- (6) Reduces from 10 to five years the amount of time the division must keep an unsubstantiated report of child abuse made by a mandated reporter; and
- (7) Requires biological parents, foster parents, guardians ad litem, and volunteer advocates to be notified of all family support team meetings.

### COURT PROCEEDINGS

- (1) Requires the guardian ad litem and volunteer advocate to be informed of and have the right to attend all meetings involving the child upon appointment by the court. The guardian ad litem is required to advocate for timely court hearings to achieve permanency for the child as soon as possible;
- (2) Requires that the questioning of a child who is in custody because the child is in need of care or treatment cease if the child wishes to have a parent, guardian, or attorney present during the questioning. Questioning of the child may resume when the child does not object to talking about the alleged abuse and neglect, unless the interviewer has reason to believe that the parent, guardian, or custodian is acting to protect the alleged perpetrator. All video or audio recordings of meetings, interviews, or interrogations conducted in relation to a child in the state's custody are presumed admissible as evidence in proceedings involving the child. The recordings are inadmissible only upon a showing by clear and convincing evidence that the recording lacks sufficient indicia of reliability;
- (3) Requires the court to grant a change of judge upon the motion of a child or the child's parent;
- (4) Requires the Supreme Court to promulgate rules by February 1, 2005, that mandate a hearing within three days of the child being taken into custody. An adjudication must be held no later than 60 days after the child has been taken into custody; and if at that time the court determines there is sufficient cause for the child to remain in the state's custody, the court will conduct a dispositional review no later than 90 days after the child has been taken into custody. The court must then conduct review hearings every 90 to 120 days during the first year and at least every six months after the first year. This section contains an emergency clause; and

DESCRIPTION (continued)

(5) Requires that on or before July 1, 2005, all juvenile court proceedings for children who are in need of care and treatment and termination of parental rights cases initiated by the county juvenile office or the division will be open to the public. The proceedings can be closed in certain situations. The general public is excluded during the testimony of a child or a victim.

BACKGROUND CHECKS AND FINGERPRINTING

(1) Allows the division or the county juvenile office to request a name-based criminal history check when an emergency placement of a child must be made and requires them to determine whether any person over the age of 17 living in the household is listed on the child abuse and neglect central registry. The division must inquire as to whether any children under the age of 17 living in the household have been certified as adults and convicted of a crime and conduct a background check on the individuals;

(2) Requires the division to conduct a search for full orders of protection for anyone seeking a foster parent license. The applicant and any adult in the applicant's household must also submit two sets of fingerprints for a criminal background check. The division must inquire as to whether any children under the age of 17 living in the household have been certified as adults and convicted of a crime and conduct a background check on the individuals;

(3) Requires persons employed by a school after January 1, 2005, who are authorized to have contact with children to have a criminal background check completed before having any unsupervised contact with a child;

(4) Requires the Department of Social Services to determine whether an applicant for a license to operate a school bus is listed on the central registry. The applicant is required to submit fingerprints to search state and federal criminal history repositories and to pay the fees for the searches;

(5) Requires the court that certifies a juvenile offender as an adult to order the law enforcement agency to fingerprint the individual immediately;

(6) Requires qualified entities to obtain two sets of fingerprints from the individual if a national criminal record review is requested; and

(7) Increases the fees the State Highway Patrol can charge for name-based criminal history background checks from \$5 to \$10 and for checks based on fingerprints from \$14 to \$20.

DESCRIPTION (continued)

FOSTER CARE AND PLACEMENT OF CHILDREN

- (1) Requires the division to provide standards and training for prospective foster parents, as well as performance-based criteria for licensed foster parents;
- (2) Requires the division to notify parents when their child is placed in foster care;
- (3) Prohibits the removal of children from school for placement in foster care before the end of the school day without a court order;
- (4) Requires the division to hold a family support team meeting within 72 hours of the child being taken into custody and additional meetings prior to taking any action relating to the placement of a child in its custody;
- (5) Requires the division to place a child with relatives if the court has determined that the placement is not contrary to the best interests of the child. The court must make specific findings on the record detailing why placement with a relative is not in the best interests of the child;
- (6) Specifies that the age of a relative may not be the only consideration in determining whether to place the child with that relative. The bill also requires the division to comply with the Federal Indian Child Welfare Act in placing Native American children;
- (7) Allows parents to temporarily place a child with another individual, while retaining the right to supervise the care of the child and resume custody, and allows a parent to use a power of attorney to delegate his or her powers regarding care or custody of a minor child to another individual for a period of up to one year;
- (8) Requires that all information provided at a meeting or hearing relating to the removal of a child from the child's home be confidential, except that a party or parent may waive confidentiality for himself or herself, and that no one may be required to sign a confidentiality agreement prior to testifying or providing information at the meeting; and
- (9) Requires the Department of Social Services to seek Title IV-E waivers from the Department of Health and Senior Services and requires the Department of Social Services to take the necessary steps to qualify the state for any federal block grant money available for foster care and adoption assistance.

## DESCRIPTION (continued)

### PRIVATIZATION OF SERVICES FOR CHILDREN

- (1) Requires the division to consult with community providers and enter into contracts with qualified children's services providers to provide services to children and families. The contracts must be awarded through a competitive process and be provided by providers and agencies currently contracting for services with the state, as well as children's services providers which have a proven record of providing child welfare services in the State of Missouri, consistent with federal rules and regulations and state policies in effect on January 1, 2004. Contracts entered into by the division must be in compliance with federal law and may not result in the loss of federal funding; and
- (2) Requires the division to submit a report to the General Assembly beginning July 15, 2006, and each year thereafter that the privatization project is in operation. The bill specifies the information that must be included in the report.

### REPORTS

- (1) Requires the Task Force on Children's Justice established by the Children's Service Commission in accordance with federal law to conduct an independent review of the policies and procedures of state and local child protective services agencies and to conduct reviews of specific cases, when appropriate, to evaluate how effectively agencies are discharging their responsibilities;
- (2) Requires the Department of Social Services to submit, beginning February 1, 2006, an annual statistical report regarding the number of children receiving child protective services to the Governor and the General Assembly; and
- (3) Requires the division to identify all children in its custody who are receiving foster care services by January 1, 2005, and report to the General Assembly the type of foster care being provided and the status of all children.

### MISCELLANEOUS PROVISIONS

- (1) Establishes the Office of Child Advocate for Children's Protection and Services within the Office of Administration;
- (2) Designates specified provisions as the "Dominic James Memorial Foster Care Act of 2004";

DESCRIPTION (continued)

(3) Requires the Family Support Division and the Children's Division to jointly operate and maintain an office in each county;

(4) Requires employees of the Children's Division who are involved with child protective services and who purposely, knowingly, and willingly violate a policy, rule, or state law that is related to the child abuse and neglect activities of the division be dismissed if the violation results in serious physical injury or death;

(5) Allows children with special health care needs that if not treated would result in death or serious physical injury to participate in the MC+ for Kids Program without meeting the six-month uninsured requirement. This section contains an emergency clause;

(6) Requires the division to conduct a diligent search for the natural parents of a child who is in the custody of the division when the parents' identity or location is unknown;

(7) Requires an action to recover damages for injury or illness that resulted from child sexual abuse to be commenced within 10 years of the date the plaintiff reached the age of 21 or within three years of the date the plaintiff discovers or reasonably should have discovered that the illness or injury resulted from child sexual abuse, whichever is later;

(8) Revises the Special Needs Child Adoption Tax Credit, beginning July 1, 2004. The cap is increased to \$4 million. In the first 90 days of the fiscal year, half of the cap is allocated to in-state adoptions and half of the cap is allocated to out-of-state adoptions. If less than \$2 million in out-of-state credits have been claimed after the first 90 days, the remaining amount can be used for in-state adoptions. This provision contains an emergency clause;

(9) Requires all hospitals and health care facilities providing obstetrical services to offer the opportunity for new mothers and the father, or other person of the mother's choosing, to watch a video on shaken baby syndrome before being discharged from the facility;

(10) Requires the Department of Health and Senior Services and the Department of Social Services to collaborate with non-profit organizations, health maintenance organizations, and the Missouri Consolidated Health Care Plan to formulate an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid Program, with a goal of 75% of the children who receive Medicaid being tested; and

(11) Requires the Department of Health and Senior Services to prepare and distribute a pamphlet about the putative father registry.

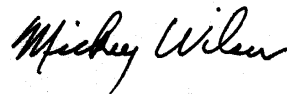
DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri House of Representatives  
Department of Insurance  
Secretary of State  
Department of Elementary and Secondary Education  
Office of State Courts Administrator  
Office of Administration -  
    Administrative Hearing Commission  
    Division of Budget and Planning  
    Office of Child Advocate  
Department of Mental Health  
Department of Corrections  
Attorney General Office  
Department of Social Services  
    Division of Medical Services  
    Children's Division  
    Office of Early Childhood  
    Division of Legal Services  
Department of Public Safety -  
    Missouri Highway Patrol  
Department of Health and Senior Services  
Department of Revenue

**Not Responding: Office of Prosecution Services and State Public Defender**



Mickey Wilson, CPA  
Director

L.R. No. 2427-15

Bill No. Truly Agreed to and Finally Passed CCS for SS for SCS for HS for HCS for HB 1453

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